IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR
COMMON ORDER

1. SB CIVIL WRIT PETITION NO.3255/2002
Premlata Pareek V/s The State of Rajasthan & anr.

2. SB CIVIL WRIT PETITION NO.4256/2002
Smt. Neelam Meena V/s Rajasthan Civil Services Appellate Tribunal & Ors.

3. SB CIVIL WRIT PETITION NO.4883/2002
Smt. Saroj Chaturvedi V/s The State of Rajasthan & anr.

4. SB CIVIL WRIT PETITION NO.294/2002
Smt.Neeta Verma & Ors. V/s The State of Rajasthan & anr.

5. SB CIVIL WRIT PETITION NO.2011/2002
Smt. Neera Saxena & Ors. V/s The State of Rajasthan & anr.

DATE OF ORDER : : : 3.1.2007

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Prahlad Singh,
Mr.Akhil Simlote,
Mr.Hanuman Chouhdary, for the petitioners.
Mr.H.V. Nandwana, Dy. GA, for the respondents.

At the joint request of counsel for the parties, the writ petition are being heard finally and disposed of at the admission stage.

Since common questions of facts and law are involved in the aforesaid writ petitions, therefore, all the writ petitions have been clubbed together and heard together.

By the aforesaid writ petitions, the petitioners are seeking appropriate writ, order or direction for granting of selection scale of Rs.1640-2900 from the date of completion of 9 years of service on the post of Lady Supervisor along with difference of pay and arrears

throughout and interest.

The petitioners in SB civil writ petition Nos.294/2002, 3255/2002 & 4883/2002 filed a representation for grant of said selection scale on the ground of granting of the same to the similarly situated persons, but as the said relief was not granted, therefore, present writ petitions have been filed. The petitioners in SB civil writ petition Nos.2011/2002 & 4256/2002 filed appeals before the Rajasthan Civil Services Appellate Tribunal (For short “the Tribunal”) for grant of the selection scale equivalent to the promotional post, but the same were dismissed.

The Tribunal allowed the appeal of one Smt. Prem Jain on 27.7.1998 on the ground that although no rules have been framed, but for all purposes the promotion channel of Lady Supervisor to ACDPO is an accepted fact, which is evident from the promotion of the Lady Supervisor to ACDPO in the scale of 1640-2900. The other ground considered by the Tribunal is that as per para 4 of the order dated 25.1.1992, the first selection grade shall be the pay scale of next promotional post in the same service cadre. Against which, the State Government preferred writ petition No.6075/1998 wherein the Court has noticed that the said judgment of the Tribunal has already been implemented. After consideration, the said writ petition filed by the State was dismissed on 17.11.2005.

Submission of counsel for the petitioners is that

their case is identical to that of Smt. Prem Jain and they could not have been discriminated by the Government and further their appeals ought to have been allowed by the Tribunal.

Dy. Government Advocate has tried to distinguish the present case from the case of Smt. Prem Jain on the ground that there are no rules for promotion.

In my view, the petitioners are entitled for the same relief as granted to Smt. Prem Jain and there is no justification for denying them on the ground that there is no rule for promotion, which was considered by this Court while upholding the judgment of the Tribunal in the case of Smt.Prem Jain and the same has been implemented also.

In the result, the judgment of the Tribunal dated 13.11.2001 is quashed and set aside. The State Government is directed to grant the relief to all the petitioners as has been granted by the Tribunal vide its judgment dated 27.7.1998 within a period of three months.

The writ petitions stand disposed of.

(P.S. ASOPA) J.

ummed/-